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Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Second session
Geneva, 2–5 June 2014
Item 11 (b) of the provisional agenda
Adoption of decisions: decisions to be taken by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol

Draft decision on the review of compliance with the Protocol

Proposal by the Implementation Committee

Summary

The draft decision on the review of compliance with the Protocol on Strategic Environmental Assessment was finalized by the Implementation Committee at its thirtieth session (Geneva, 25–27 February 2014), having taken into account suggestions made by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment during and after its third meeting (Geneva, 11–15 November 2013).

The Meeting of the Parties to Convention serving as the Meeting of the Parties to the Protocol is expected to review the draft decision and agree on its adoption.

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Draft decision II/2

[*to be considered by the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment at its second session*]

Review of compliance

The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment,

Recalling article 14, paragraph 6, of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, and decision V/6–I/6 of the of the Meeting of the Parties to the Convention and the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol concerning the application of the compliance procedure of the Convention to the Protocol,

Determined to promote and improve compliance with the Protocol,

Seeking to promote the identification, as early as possible, of difficulties encountered by Parties in complying with the Protocol and the adoption of the most appropriate and effective solutions for resolving those difficulties,

Having reviewed the structure and functions of the Implementation Committee, as described in the appendix to decision III/2 of the Meeting of the Parties to the Convention (ECE/MP.EIA/6, annex II), and considering that it is necessary to ensure continuity of the Committee's work during the intersessional periods,

Having also reviewed the operating rules adopted by the Meeting of the Parties to the Convention at its third session (ECE/MP.EIA/10, decision IV/2, annex IV), as amended at its fifth session (ECE/MP.EIA/15, decision V/4, annex), and recognizing the importance of improving the effectiveness of the compliance mechanism under the Convention and the Protocol,

Having further reviewed the opinions of the Implementation Committee,

Recognizing the importance of rigorous reporting by Parties of their compliance with the Protocol, and noting the first review of the implementation of the Protocol, based on Parties' answers to the questionnaires on the implementation of the Convention and the Protocol, and adopted in decision II/1,

Recalling that the compliance procedure is assistance-oriented and that Parties may make submissions to the Committee on issues regarding their compliance with the Protocol,

1. *Adopts* the Committee's report on its activities (ECE/MP.EIA/2014/4–ECE/MP.EIA/SEA/2014/4);

2. *Welcomes* the reports of the meetings of the Committee in the period after the first session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;

3. *Requests* the Committee:

(a) To keep the implementation and application of the Protocol under review;

(b) To promote and support compliance with the Protocol, including to provide assistance in this respect, as necessary;

4. *Welcomes* the examination by the Committee of information received from other sources, including the public, regarding Romania, which resulted in the Committee declaring its satisfaction with the clarifications provided by the Party;

5. *Considers*, following the opinion of the Committee (see ECE/MP.EIA/IC/2012/2, para. 17), that the obligation in article 10 of the Protocol to notify potentially affected Parties rests solely with the Party of origin. If, under exceptional circumstances, the Party of origin were to seek the assistance of an intermediary in fulfilling its obligations in that respect, it would retain responsibility for any actions or omissions of the intermediary in that regard. However, article 17 of the Protocol cannot be interpreted as providing an obligation on the secretariat to act as an intermediary in the procedures set out in the Protocol;

6. *Encourages* Parties to bring issues concerning their own compliance before the Committee;

7. *Requests* the Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible, and in this respect refers to decision II/3 of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on the adoption of the workplan;

8. *Urges* Parties to take into account in their further work the recommendations for further improving the implementation of and compliance with the Protocol, including by strengthening national legislation, based on but not limited to the analyses on general compliance issues from the First Review of Implementation, adopted by decision II/2 of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol;

9. *Adopts* the amendments to the structure and functions of the Committee, as well as the amendments to the operating rules of the Committee, set out in annexes I and II to decision VI/2 of the Meeting of the Parties to the Convention.